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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,307	03/22/2004	Gregory A. Stobbs	9305-002DVA	1838
27572 7590 10/19/2007 HARNESSE, DICKY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER CORRIELUS, JEAN M	
			ART UNIT 2162	PAPER NUMBER
			MAIL DATE 10/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/806,307

Applicant(s)

STOBBS ET AL.

Examiner

Jean M. Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This correspondence is in response to the Request For Continued Examination filed on August 2, 2007, in which claims 1-10 are cancelled and claims 11-20 are presenting for further examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 2, 2007 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 11-20 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Remark

4. Applicant asserted that Snyder does not provide a user prescribed categories; and retrieve a corpus of patent information from a database. The examiner disagrees with the precedent assertion. Snyder, however, provides an analysis tool that assists users in discovering relationship among thousands of patents (see col.4, lines 1-3). Snyder also provides a sophisticated information retrieval technique that enables the users to analyze claims set or cluster claims based on similarity, see col.4, lines 4-6). Such claim sets or cluster claims as

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disclosed by Snyder are the pre-described categories of claims identified by the users. Therefore, the aforementioned assertion is moot. Refer to the rejection below.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder et al., (hereinafter "Snyder") US Patent No. 6,038,561 in view of Agrawal et al., (hereinafter "Agrawal") US Patent 6,233,575.

As to claims 11-12, Snyder, however, provides an analysis tool that assists users in discovering relationship among thousands of patents (see col.4, lines 1-3). Snyder also provides a sophisticated information retrieval technique that enables the users to analyze claims set or cluster claims based on similarity, see col.4, lines 4-6). Such claim sets or cluster claims as disclosed by Snyder are the pre-described categories of claims that identified by the users. However, Snyder does not use a model corresponding to at least one of the user-prescribed categories, to select from the patent information a subset that fits the model, and then storing that subset in association with a label corresponding to the user-defined category. On the other hands, Agrawal discloses the use of organizing a large text database into hierarchy of topic and for maintaining such organization as documents. Agrawal, discloses a pre-described categories of claims and retrieves a corpus of patent information from a database (as a topic taxonomy for the

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purpose of facilitating searching a cluster of document (patents), see fig.2, col.1, lines 40-46; col.7, lines 32-40). Agrawal, discloses the uses of “a model corresponding to at least one of the user-prescribed categories, to select from the patent information a subset that fits the model, and then storing that subset in association with a label corresponding to the user-defined category” (by creating a statistical model for each topic in the taxonomy and stores the subcategories associated with a label, see col.10, lines 38-46; col.11, lines 16-31).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Snyder’ system by incorporating the use creating a model corresponding to at least one of the user-prescribed categories, to select from the patent information a subset that fits the model, and then storing that subset in association with a label corresponding to the user-defined category, in the same convention manner as disclosed by Agrawal. One having ordinary skill in the art would have found it motivated to use such statistical model of Agrawal into the system of Snyder for the purpose of efficiently organizing the document sets based on the user profile or pre-described information.

7. Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Synder et al., (hereinafter “Snyder”) US Patent No. 6,038,561 in view of Agrawal et al., (hereinafter “Agrawal”) US Patent 6,233,575 and further in view of Andrew et al., (hereinafter “Andrew”) Article entitled “Text classification by Bootstrapping with keywords EM and Shrinkage”.

As to claims 13-14, Snyder and Agrawal disclose substantially the invention as claimed, except for the use of eigenspace. On the other hand, Andrew discloses the use of eigenspace as a way of providing enough labeled training example to classify a large collection of documents, see page

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1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system, Snyder and Agrawal the cited teachings of Andrew. On having ordinary skill in the art would have found it motivated to use such eigenspace of Andrew into the combined Snyder and Agrawal for the purpose of providing extremely large training sets for good accuracy.

As to claim 15, Snyder discloses the claimed "wherein said patent information includes patent classification information and wherein said analyzing defining a plurality of categories and mapping classification information onto said categories" (col. 17, lines 20-27).

As to claim 16, Snyder discloses the claimed "wherein said patent information includes using both patent classification information and linguistic analysis results to determine said category metrics to be associated with the patent documents" (col. 16, lines 14-18).

As to claim 17, Snyder discloses the claimed "wherein the category metrics are indicative of technical areas of the patent documents"(col.23, lines 20-27).

As to claim 18, Snyder discloses the claimed "retrieving text of claims from the database, wherein the text of claims are from the plurality of patent documents" (col. 12, lines 26-36); "analyzing the text of the claims in order to generate claim breadth metrics for the claims, wherein a claim breadth metric is indicative of claim breadth of a claim, wherein the claim breadth metrics are used to analyze the claims" (col.14, lines 10-20).

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As to claim 19, Snyder discloses the claimed "wherein values of the category metrics are predetermined" (col.23, lines 13-27).

As to claim 20, Snyder discloses the claimed "wherein values of the category metrics are dynamically determined" (col.4, lines 50-56; col.23, lines 13-27).

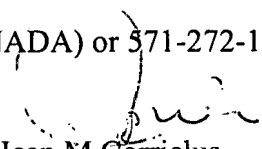
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jean M Corrielus
Primary Examiner
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October 15, 2007